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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,229	12/03/2003	Carlos Gonzalez	SNDK-234US1	7481
36257	7590	09/28/2004		
PARSONS HSUE & DE RUNTZ LLP 655 MONTGOMERY STREET SUITE 1800 SAN FRANCISCO, CA 94111			EXAMINER PORTKA, GARY J	
			ART UNIT 2188	PAPER NUMBER

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/728,229	GONZALEZ ET AL. <i>[Signature]</i>
Examiner	Art Unit	
Gary J Portka	2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 December 2003.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 15-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 15-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/03/03.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. It is acknowledged that this is a divisional of application 09/718,802. The first sentence of the specification should be amended to state that that application is now US Patent 6,684,289.
2. Claims 1-14 have been canceled by Applicant. Claims 15-26 are pending.

#### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on December 3, 2003 (6 sheets) was considered by the examiner.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the second paragraph of claim 15 "at least one additional sector" is not clear because the claims have not detailed the sectors stored and so it is cannot be determined what the additional sector is added to. It is suggested to compare the at least one additional sector when user data is stored in overhead data designated areas to the number of sectors stored when it is not. Claims 16-20 incorporate this limitation by dependency.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Conley et al., US 6,760,255 B2.

The applied reference has a common inventor with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

8. As to claim 21, Conley discloses the recited method of operating a memory system with simultaneously erasable blocks, wherein multiple sectors of user data are stored in a first group of blocks, and overhead information of attributes of a corresponding one of the first group of blocks and the user data therein are stored in a second group of blocks (see Conley Abstract, and col. 14 lines 4-30 and 46-50, where it is described that information regarding block characteristics and operation, necessarily attributes of both the blocks and the data therein, are stored in separate blocks).

9. As to claims 22-23, the information includes table of addresses as recited (see Figs. 13-14, and col. 17 lines 34-56).

10. As to claim 24 ECC is stored as recited (see col. 14 lines 31-36, Fig. 8).

11. As to claim 25, count of times programmed is stored (see col. 14 lines 57-64).
12. As to claim 26, the first group does not contain the overhead information as recited.
13. Claims 21-23 and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Sukegawa, US 5,673,383.
14. As to claim 21, Sukegawa discloses the recited method of operating a memory system with simultaneously erasable blocks, wherein multiple sectors of user data are stored in a first group of blocks, and overhead information of attributes of a corresponding one of the first group of blocks and the user data therein are stored in a second group of blocks (see Sukegawa Abstract, Figs. 1 and 2A-2C, col. 2 lines 19-37, and col. 4 lines 22-47, where it is described that two management tables are stored in the memory as individual blocks that indicate attributes of the blocks and data therein as recited).
15. As to claims 22-23, the sections cited above in Sukegawa show the table of addresses as recited.
16. As to claim 25, Sukegawa discloses a count of programming as recited (REWRITE COUNT DATA, Figs. 2A, 2B).
17. As to claim 26, the first group does not contain the overhead information as recited.

***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Patent No:

6,697,928 B2      Reserved file structures are "skidded" as required (Figs. 7).

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary J Portka whose telephone number is (521) 272-4211. The examiner can normally be reached on M-F 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (521) 272-4210. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gary J Portka  
Primary Examiner  
Art Unit 2188

September 23, 2004